

23, 26, 30, 31

Office Action Summary

Application No.

09/584,099

Applicant(s)

VAGHI, NINO RICHARD

Examiner

Debra F. Charles

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 12, 2005 from Board of Patent Appl.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 23, 26, 30 and 31 are pending in this communication of April 12, 2005 entered as Decision by Board.

2. In view of the Decision by the Board of Patent Appeals and Interference decision on April 12, 2005, PROSECUTION IS HEREBY REOPENED. As set forth here below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office Action is non-final) or a reply under 37 CFR 1.113 (if this Office Action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23, 26, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (U.S.PAT. 6037548 A), EerNisse et al. (U.S.PAT. 4526247 A) and Boffi(0257613A2).

Baitz et al. disclose an electronic scale integrally formed within a flat-panel display, comprising:

a platform for supporting an item(Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and

claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And an electronic scale integrally formed within a CRT monitor, comprising:
a platform for supporting an item; and a platform for supporting an
item(Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a
data processing and control unit", "display/input device", "use of a flat
monitor"); and a weighing unit mounted at least partially within the housing .
. . . which outputs a weight signal indicative of a weight of said item when
said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the
scales in each case for installing such units" and claim 1, i.e. "an
electronics box whose topside is covered by a weighing plate").

And an electronic scale integrally formed within a CPU unit of a personal
computer, comprising:

a platform for supporting an item(Abstract, col. 1, lines 39-67, i.e. "weighing
plate, and which contains a data processing and control unit", "display/input
device", "use of a flat monitor"); and a weighing unit mounted at least
partially within the housing . . . which outputs a weight signal indicative of a
weight of said item when said item is placed on the platform (col. 2, lines

15-30, i.e. housing of the scales in each case for installing such units” and claim 1, i.e. “an electronics box whose topside is covered by a weighing plate”).

And a flat-panel display, comprising: a housing; a platform for supporting an item(Abstract, col. 1, lines 39-67, i.e. “weighing plate, and which contains a data processing and control unit”, “display/input device”, “use of a flat monitor”); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units” and claim 1, i.e. “an electronics box whose topside is covered by a weighing plate”).

And a CRT monitor for a personal computer, comprising: a housing; a platform for supporting an item(Abstract, col. 1, lines 39-67, i.e. “weighing plate, and which contains a data processing and control unit”, “display/input device”, “use of a flat monitor”); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units” and

claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And a CPU for a personal computer, comprising: a housing; a platform for supporting an item (Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

Re claims 23 and 30: Baitz et al. does not explicitly disclose a force transducer. However, EerNisse et al. discloses a transducer system for a weighing scale. Thus, it would have been obvious to one of ordinary skill in the art to employ a force transducer to get the benefit of converting the weight of an object into an electrical signal property indicative of the weight of the object.

As applied to claims 26 and 31: Baitz et al. and EerNisse et al. does not explicitly disclose that wherein the CRT monitor is one of a stand-alone

monitor and a monitor included in a portable personal computer. And wherein the CPU unit is one of a stand-alone unit and a unit included in a portable personal computer.

Further, Gilbertini Elettronica European Patent Application teaches a computer monitor(6) but is silent as to whether it is a CRT. Official Notice is taken that at the time of this patent application, 1988, one of ordinary skill in the art would have read this European Patent Application, observed that the monitor(6) was not a flat screen, and concluded that CRT was the prevalent technology at the time (1988) and the use of a CRT monitor in the European Patent Application would have been obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles
Examiner
Art Unit 3624



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